

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ARISE FOR SOCIAL JUSTICE;  
 COISTE?; NEW ENGLAND STATE-AREA  
 CONFERENCE OF THE NAACP;  
 REV. TALBERT W. SWAN, II;  
 NORMAN W. OLIVER; DARLENE  
 ANDERSON; GUMERSINDO GOMEZ;  
 FRANK BUNTIN; RAFAEL RODRIQUEZ;  
 and DIANA NURSE

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD  
 ELECTION COMMISSION,

Defendants.

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Civil Action No. 05-30080 MFP

**JOINT MOTION TO AMEND SCHEDULING ORDER**

The parties hereby jointly move to amend the Scheduling Order entered on October 5, 2005. In support of their motion the parties state as follows.

1. The Scheduling Order established the following:

<b>Old Scheduling Order</b>	
<b>Event</b>	<b>Deadline</b>
Non-expert depositions completed	December 16, 2005
Plaintiffs' expert disclosures	January 13, 2006
Depositions of Plaintiffs' experts	February 10, 2006
Defendants' expert disclosures	March 10, 2006
Depositions of Defendants' experts	April 14, 2006

A case management conference is currently scheduled for April 25, 2006, at 10:30 a.m. At this time, no trial date has been set.

2. This case is complex and expert-intensive, and the parties have agreed to a roughly six-week extension of the time to produce expert reports, with comparable extension of subsequent dates. Among other reasons for this extension, one of Plaintiffs' experts, Dr. Richard L. Engstrom, is a professor at the University of New Orleans, and is a resident of New Orleans, Louisiana. Hurricane Katrina caused significant damage to Dr. Engstrom's home and office. Having lived and worked in Georgia for the past several months, Dr. Engstrom expects to return to New Orleans in January 2006. The requested extension will furnish Dr. Engstrom with additional time to complete his expert analysis in this case.

3. Accordingly, the parties request that a new Scheduling Order be entered as follows:

<b>New [Proposed] Scheduling Order</b>	
<b>Event</b>	<b>Deadline</b>
Plaintiffs' expert disclosures	February 24, 2006
Depositions of Plaintiffs' experts	March 24, 2006
Defendants' expert disclosures	April 21, 2006
Depositions of Defendants' experts	May 26, 2006
Case management conference	June 8, 2006, or at the Court's convenience

4. In addition, the parties have agreed that Requests for Admission should be served no later than 90 days before trial and responses to Requests for Admission shall be served within 45 days, and hereby request that the scheduling order provide as such. The parties have further

agreed that each party may serve up to 125 Requests for Admission, unless otherwise ordered by the Court upon motion by either party.

Respectfully submitted,

ARISE FOR SOCIAL JUSTICE; OISTE?; NEW  
ENGLAND STATE-AREA CONFERENCE OF THE  
NAACP; REV. TALBERT W. SWAN, II; NORMAN W.  
OLIVER; DARLENE ANDERSON; GUMERSINDO  
GOMEZ; FRANK BUNTIN; RAFAEL RODRIQUEZ;  
and DIANA NURSE

By their attorneys,

/s/ Paul E. Nemser  
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CITY OF SPRINGFIELD and  
SPRINGFIELD ELECTION COMMISSION

By their attorneys,

/s/ Deanne Bogan Ross  
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Law Department  
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January 12, 2006

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Joint Motion to Amend Scheduling Order was filed electronically with this Court on this 12th day of January, 2006 and that all parties will be served via the Court's electronic filing system.

/s/ Paul E. Nemser  
Paul E. Nemser (BBO #369180)